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Illinois Liquor Control Commission

COVID-19 Compliance

Frequently Asked Questions

Updated December 21, 2020

Q. How long will the Tier 3 mitigation measures be in place for?

A. Effective November 20, 2020, all regions in the State will operate under the new mitigation requirements to combat the surge of COVID-19 across Illinois. IDPH will continue to track the positivity rates and hospital capacity metrics in regions over a 14-day monitoring period to determine if mitigations can be relaxed, if additional mitigations are required, or if current mitigation should remain in place.

In order to see a removal of Tier 3 mitigations and transition to Tier 2, a region must experience less than 12 percent test positivity rate for three consecutive days AND greater than 20 percent available intensive care unit (ICU) and hospital bed availability AND declining 7-day average COVID hospitalizations in 7 out of the last 10 days.

Q. Where can I find information on Tier 3 Mitigation procedures?

A. The Illinois Department of Commerce and Economic Opportunity (hereafter "DCEO") Frequently Asked Questions document is regularly updated:

<https://www2.illinois.gov/dceo/Documents/Tier%203%20Mitigation%20FAQ.pdf>

Q. How and where may I permit food and beverages to be consumed on my licensed premises?

A. Outdoors only for Restaurants, Bars, and Social Events/Banquets during the Tier 3 Mitigation period.

Q. What is considered "outdoor dining"?

A. A dining or drinking area is considered an outdoor dining or drinking area if the area meets any of the following criteria:

1. Located on the rooftop of a building or within establishment with retractable roof (should remain open during hours of operation of outdoor dining and/or drinking); or
2. Outdoor space connected to or located on the site of a restaurant, grocery store, health or fitness center, hotel, golf club, or other social club with a food establishment license; or
3. Indoor space where 50% or more of a wall can be removed via the opening of windows, doors, or panels provided that dining tables are within 8-ft from such opening; or
4. Any other outdoor dining and drinking areas authorized by local governments provided that food and

drinks are prepared by licensed food or liquor establishments and that proper social distancing of 6-ft between designated customer tables and/or other seating areas is observed and parties are of 6 persons or fewer

Q. Is an outdoor structure such as a dome, tent, or igloo permitted as “outdoor dining” under the guidance?

A. Yes. Below outlines the guidance for outdoor dining structures and businesses should consult the Illinois Fire Marshal and local fire department for specific guidance on Fire Codes for these structures:

Tents and Other Outdoor Structures for Multiple Tables/Separate Dining Groups. Provided they comply with all required municipal and/or local liquor commission restrictions and approvals, temporary outdoor structures, including tents, are permissible if they comply with the following requirements:

- Temporary outdoor structures must have at least two of the sides open to provide adequate air flow;
- Patrons inside a temporary outdoor structure must be seated, and tables must be spaced a minimum of six feet apart;
- All structural materials should have a fire-resistant certification or flame certification showing material is fire-rated or noncombustible;
- Restaurants will need inclement weather plans in writing and trained staff to prevent any injuries in storms, snow, or other unsafe situations
- Tents or Domes/Igloos for Single Table Dining Groups
- Single party only (subject to mitigation restrictions on dining party size);
- The structure must maintain air circulation at all times, for example via an open door, two opposing window/side openings or an open roof panel or panels. Interactions with waitstaff should be brief and all parties must have masks on during these exchanges.
- Sanitize the chairs and table after each use; and
- Servers and other waitstaff to minimize their time in the structure, including instituting measures such as a QR Code menu.

Heating Devices Businesses should consult with local municipalities and ensure compliance with local and state fire codes to determine if heating devices are permitted within a temporary outdoor structure, and if so, how to operate the device within the structure. Assuming the heating device is permitted, establishments should follow these additional safety considerations to ensure responsible operations:

- Outdoor spaces with heating devices must keep devices away from combustible materials, such as tents, at all times
- Enclosed areas with heating devices must have clearly marked entrances and exits
- Businesses must have sufficient fire extinguishers to cover indoor and outdoor spaces

Q. Can bars and restaurants allow walk-in patrons for outdoor dining?

A. Bars and restaurants should take reservations for all parties for outdoor dining for contact tracing purposes. However, bars and restaurants can accept walk-ins provided they record the contact information of at least one person in the party – this is considered a walk-up reservation. Bars and restaurants are required to utilize a reservation system for patrons.

Q. How long should the business retain the reservation record?

A. The state recommends businesses maintain a copy of the reservation list for a minimum of 28 days. This will enable the business and state/local health officials to contact the patrons in the event of exposure to COVID-19.

- Q. Do the mitigation measures impact drive-thru, take-out or delivery for restaurants?
- A. No. Mitigations do not restrict take-out, drive-thru, or delivery options for restaurants.
- Q. Do these restrictions apply to indoor food courts?
- A. Indoor food courts can continue to operate for takeout and grab-and-go services, but the food cannot be consumed in the food court common area.
- Q. Can bars and restaurants in mitigation areas serve food and beverages indoors in conjunction with a meeting or special event?
- A. No. Bars and restaurants in mitigation areas are not permitted to have any indoor dining and service, and therefore may not host meetings, events or gatherings within their establishment.
- Q. Do bars and restaurants need to stop accepting customers at 11:00 p.m., or do they have to clear the premises by 11:00 p.m.?
- A. All patrons must be off the premises by 11:00 p.m. and may reopen at 6:00 a.m. or later. Drive-thru, carry out, and delivery service is still permitted after 11:00 p.m., but customers must depart after obtaining their food and there should not be congregation of customers outside of the restaurant after closure time.
- Q. Can restaurants and cafeterias within airports, hospitals, and college dining halls continue to provide indoor dining and exempt from mitigation measures?
- A. Yes. From the beginning of the emergency declaration to respond to COVID-19, executive order 2020-07 provided that businesses located in airports, hospitals, and dining halls in colleges and universities are exempt from the requirements of this Executive Order. For purposes of ensuring that individuals can eat a meal with no alternatives provided in these venues for eating, they are not subject to the mitigation measures imposed in regions. Patrons must follow the restaurant and bar guidelines in the establishment, including wearing masks when waitstaff approach and when they are not eating or drinking at a table.
- Q. Are meetings and events still permissible, even at a reduced capacity?
- A. No; meeting rooms, banquet centers, private party rooms, country clubs, etc. may not host meetings or events – including weddings – under any capacity.
- Q. What are the new capacity restrictions for retail and general merchandise stores?
- A. Retail and service counter stores that are not primarily engaged in the sale of groceries or medicinal drugs (pharmacies) are limited to 25% capacity. “Big Box” stores that sell both groceries and other items are limited to 25% capacity.
- Q. What about grocery stores and pharmacies?
- A. Retail stores that primarily sell groceries (i.e. Jewel, Kroger, Mariano’s, Whole Foods, etc.) or medicinal drugs (pharmacies) can continue to operate at 50% capacity
- For the purpose of this guidance, a retail store “primarily sells groceries” if it derives at least 65% of its revenues from the sale of food items

- For the purpose of this guidance, a retail store “primarily sells medicinal drugs” if it derives at least 50% of its revenues from the sale of prescription and over-the-counter drugs How do the capacity restrictions impact malls?
- The 25% capacity restriction applies to each store as well as each common area at the mall.
- Indoor food courts are permissible for takeaway services only.

Q. Do the store employees count towards the capacity restrictions?

A. No

Q. I am a tavern or brewer with a tap room and do not hold a license of any kind to serve food. May I offer outdoor drinking at a bar or at tables WITHOUT DINING?

A. Yes, if the business complies with the table and standing requirements of the restaurant/bar guidance.

Q. Are outdoor special events permitted during the Tier 3 Mitigation period?

A. Generally, outdoor special events are not permitted but holiday markets can be held under the following conditions:

- 25% capacity of the outdoor space
- Everyone needs to wear a mask unless they are eating or drinking
- Grab & Go only for food and drink sales, common area for tables should not be available
- Vendor booths should be separated at least 30 feet apart
- Operator needs to manage the entry/exit points to manage the capacity

Q. Are alcohol tastings still permitted at a bar, restaurant, or other off-premise retail locations?

A. Tastings are not permitted during the Tier 3 mitigation period.

Q. May a Local Liquor Control Commission extend or designate a licensed premise to include a contiguous or adjacent public sidewalk, beer garden, patio, public street, private parking lot, or other similar outdoor area not previously licensed?

A. Yes, a Local Liquor Control Commission may extend or designate a licensed premise to include a contiguous public sidewalk, beer garden, patio, adjacent public street, private parking lot, or other similar outdoor area not previously licensed or customarily designated for eating and drinking. **If the local liquor control commission DOES NOT require additional licensing, there is no requirement for the licensee to file a State Special Use Permit application to extend the licensed address.**

Q. In what situation would a licensee be required to file an Illinois Liquor Control Commission Special Use Permit for outdoor privileges?

1. If the Local Liquor Control Commission requires additional local licensing or permitting for a previously unlicensed adjacent public street, private parking lot, or similar unlicensed area, **the licensee is required to file an Illinois Liquor Control Commission Special Use Permit application.**
2. If a Local Liquor Control Commission issues a temporary local license or permit which designates an outdoor dining and/or drinking area to include a non-contiguous and non-adjacent location with a substantially different address (from the currently licensed location), **the licensee is required to file an Illinois Liquor Control Commission Special Use Permit application**

NOTE: The issuance of a Special Use Permit (or, if necessary, a Not-for-Profit Special Event license) is solely for the purpose of “dining and drinking.” Local Liquor Control Commissions should not extend or designate licensed areas for the purposes of a street fair, summer festival or similar event involving a high concentration of event attendees.

Q. How do I apply for and what are the requirements for a Special Use Permit license?

A. In order to qualify for a Special Use Permit liquor license, the licensee shall:

- Complete and submit Special Use Permit application:
<https://www2.illinois.gov/ilcc/SiteCollectionDocuments/Special%20Use%20Permit.pdf>
- Obtain and submit evidence of local approval (e.g. special license, letter from the local liquor control commissioner authorizing special use location);
- Obtain and submit certificate of insurance for liquor liability for the special use premises. Insured location must include specific special use location.

Application/Document Submission Instructions

- **Deferring Payment/No Prior Application** – If the applicant chooses to defer the Special Use Permit fee OR has not previously filed a Special Use Permit application, the applicant shall email the application and document attachments to LCC.Licensing@illinois.gov.

Payment for a 1-day Special Use Permit is \$100.00. Payment for 2 or more days is \$150.

Payment in the above amount shall be made by check through the mail on or before 12/31/2020 to Illinois Liquor Control Commission, 100 W. Randolph St., Suite 7-801, Chicago, IL 60601 or 300 W. Jefferson, Suite 300, Springfield, IL 62702. **REFERENCE your State Liquor License Number (ex. 1A-XXXXXX) and/or your licensed business address OR attach a copy of your Special Use Permit Application.**

- **Immediate Processing with No Payment Deferral** - If the Special Use Permit applicant does not choose to defer the license fee payment until 12/31/2020, the Applicant may apply for the Permit online in MyTaxIllinois.gov. (Option only available for licensees who have previously obtained a Special Use Permit).

Q. A Special Use Permit is limited to a maximum of 15 days per location per year. May a Special Use Permit issued under Phase 4 of the Restore Illinois Plan or during mitigation periods be extended?

A. For any Special Use Permit issued for outdoor dining and/or drinking pursuant to Phases of the Restore Illinois Plan or during mitigation periods, the fifteen day limit on Special Use Permits is waived until 15 days after the first day of Phase 5 of the Restore Illinois Plan OR the last special use day authorized by the Local Liquor Control Commission, whichever is first. Special Use Permit holders must cease outdoor dining and/or drinking activity no later than the first of the above cited days. To extend a Special Use:

- **Complete and submit a Change of License Information application:**
<https://www2.illinois.gov/ilcc/SiteCollectionDocuments/Change%20of%20License%20Information%20Application.pdf>
- **Attach local approval reflecting the updated dates and times**
- **Attach a copy of your certificate of insurance reflecting the updated dates and times**

Q. What is the best way for a local liquor control commission to extend or designate the outdoor dining and/or drinking area?

A. A local liquor control commission may require a local licensee to submit any documentation necessary to

extend or designate an outdoor dining and/or drinking area. It is highly recommended that the local liquor control commission:

1. Review and affirmatively approve (if decided) all extended or designated outdoor dining and/or drinking areas.
2. Require licensees to submit a site plan and floor plan clearly designating the borders of the extended or designated outdoor dining and/or drinking area.
3. Require the licensee to post the site plan and floor plan on the extended or designated outdoor dining and/or drinking area.
4. Require licensees to erect physical barriers like stanchions or temporary fencing around the perimeter of the extended or designated outdoor dining and/or drinking area.
6. Communicate in writing to the licensee that the extended or designated outdoor dining and/or drinking area is temporary and has a specific termination date (e.g. at the conclusion of Phase 3 or Phase 4 of the Restore Illinois Plan).
7. Any other necessary requirements, conditions, and restrictions.

Q. I am not licensed to conduct on-premises sales (packaged only). May I offer outdoor dining and/or drinking pursuant to Phase 4 of the Restore Illinois Plan or during the mitigation periods?

A. Outdoor dining and/or drinking is authorized only for license holders with the authority to conduct on – premises sales and service of alcoholic liquor. No license holders with packaged sales only authorization is permitted to conduct outdoor dining and/or drinking.

Q. May a local liquor control commissioner designate an outdoor food and beverage consumption area to be on government owned property?

A. 235 ILCS 5/6-15 states that “corporate authorities of any city, village, incorporated town, township, or county may provide by ordinance ... that alcoholic liquor may be sold or delivered in any specifically designated building belonging to or under the control of the municipality, township, or county, or in any building located on land under the control of the municipality, township, or county.”

Q. May a local liquor control commissioner designate an outdoor retail licensed premises to be within 100 feet of a church, school, hospital, home for aged or indigent persons or veterans (or their spouses and children) or military or naval stations.

A. 235 ILCS 5/6-11 states that a liquor license may be issued within 100 feet of the above cited locations under the following conditions:

1. To “places where sale of alcoholic liquors is not the principal business carried on” (outside Chicago); OR
2. If the local liquor control commissioner “grant[s] an exemption” to the 100-foot rule prohibition “if a local rule or ordinance authorizes the local liquor control commissioner to grant that exemption.”

Q. How may I serve food and beverages if my business does not have access to an outdoor seating area?

A. Please consult your local liquor control commission to determine if any outdoor food and beverage consumption area could be authorized for your establishment.

Q. If the local liquor control commission authorizes my licensed business to allow on-premises consumption of food and beverages without restrictions or contrary to the Phase 4 restaurant/bar requirements or mitigation requirements, may I permit such activity?

A. No, Phase 4 of the Restore Illinois Plan and mitigation requirements place restrictions on indoor/outdoor food and beverage consumption (indoor prohibited during Tier 3 mitigation) across the State which local law

cannot override.

Q. Can patrons who purchase pick up meals eat these meals on patios, decks or other area's on licensee's property?

A. Yes, if conducted according to the Phase 4 Restore Illinois Plan or mitigation requirements.

Q. If I am a liquor store that does not sell food or a convenience store that sells food and liquor, may I remain open during Phase 4 of the Restore Illinois Plan?

A. Yes, retail and service counter stores that are not primarily engaged in the sale of groceries or medicinal drugs (pharmacies) are limited to 25% capacity.

Q. How may golf courses sell food and beverages?

A. See this link for instructions: [golf.pdf \(dceocovid19resources.com\)](https://dceocovid19resources.com/golf.pdf)

Q. Can on-premises licensed establishments have private events if the event brings their own alcoholic beverages?

A. No. Indoor consumption of food and beverages is prohibited during Tier 3 mitigation period.

Q. Can growlers and crows be sold curbside, via drive through or via home delivery?

A. On-premises retailers and beer manufacturers that are currently authorized to sell growlers may continue to do so pursuant to the conditions set forth in 235 ILCS 5/6-6.5 and temporary delivery guidance bulletins.

Q. Can a business licensed to conduct retail sales **on the premises only**, sell beer, wine and spirits in the original package over the counter, for curbside pickup, for drive-through service, or for home delivery?

A. Yes. Subject to local liquor commission authority and on a temporary basis, all on-premises only retailers may sell and deliver alcoholic liquor in the original package over the counter, for curbside pickup, for drive-through service, and for home delivery (by retailer or 3rd party home delivery service). (Businesses licensed to manufacture alcoholic liquor are temporarily authorized to deliver alcoholic liquor in the original package).

Q. How may "to go" mixed drinks and cocktails be sold and delivered?

A. Only on-premises retailer licensees (1A licensees) may sell and deliver cocktails to go and only under the conditions set forth in the bulletin titled: "Sales and Delivery of 'To Go' Mixed Drinks or Cocktails" dated June 2, 2020 and 235 ILCS 5/6-28.8. A retailer licensee may not sell and deliver "to go" mixed drinks or cocktails by way of a drive-through or through a 3rd party home delivery service.

Q. How are grocery stores affected?

A. Grocery stores are not permitted to sell alcoholic liquor for on-premises consumption unless they are licensed for on-premises consumption. If they are licensed for on-premises consumption, grocery stores shall follow the Phase 4 and mitigation requirements for bars/restaurants. Grocery stores may continue to sell alcoholic liquor for consumption off-premise under the retailer business guidelines.

Q. May a hotel/motel with a liquor license continue to sell food and beverages via hotel restaurant, room service, mini- bar or to go?

A. Yes. Hotel restaurants may provide indoor room service and to go service and outdoor food and beverage consumption at licensed establishments per the Phase 4 and mitigation restaurant/bar guidelines.

Q. May a retailer return beer, wine or spirits to a licensed distributor?

A. A retailer shall not return beer, wine, and spirits to a distributor unless under expressly authorized by the Illinois Liquor Control Act (235 ILCS 5/6- 5.5) and under the guidelines of the following bulletin:

<https://www2.illinois.gov/ilcc/SiteAssets/Pages/Home/COVID.alcoholic.liquor.returns.octnov.pdf>

Q. May a brewer, class 1 brewer, class 2 brewer, class 1 craft distiller, class 2 craft distiller, brew pub or distilling pub conduct curbside delivery or home delivery?

A. Under special temporary circumstances related to the COVID-19 outbreak, alcoholic liquor manufacturers, brew pubs and distiller pubs may deliver alcoholic liquor in the original package if the licensee holds a local retail liquor license and if the local liquor control commission authorizes delivery sales. These license holders are not authorized to sell or deliver pre-mixed cocktails normally intended for on-premises consumption (e.g. pre-mix margaritas, sangrias). If the manufacturer does not hold a local retail license, it is not authorized to conduct retail sales of alcoholic liquor in any form. Local deliveries only are permitted. Shipments by way of a common carrier are not authorized.

Q. Can an on-premises liquor license holder allow customers into a premise for video gaming?

A. No. Licensed video gaming is not permitted during the Tier 3 mitigation period.

Q. Which agencies or law enforcement entities will be enforcing all the new restrictions?

A. State and local law enforcement along with local health departments and the Illinois Department of Public Health.

Furthermore, by law, if the Local Liquor Control Commissioner “has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community,” the Commissioner may suspend the local license. Please see the following linked bulletin for further details:

<https://www2.illinois.gov/ilcc/SiteAssets/Pages/Home/Local%20Liquor%20Commissioner%20Summary%20Closure%20Authority%20%28Updated%2011-25-20%29.pdf>

Q. My license has expired or will expire in the upcoming months. Am I required to renew my license?

A. See renewal guidance below:

Extension of License Renewal Dates

Liquor licenses expire on the last day of each month. Due to the hardships on liquor license holders as a result of the recent COVID-19 mitigation actions, the Illinois Liquor Control Commission extends the renewal dates of State liquor licenses and defers the collection of license renewal fees in the following manner:

Liquor License Renewals

- 1. All licenses with a renewal date of March 31, 2020 or after are automatically extended to March 31, 2021** (This action supersedes the Commission’s prior license extension action through December 31, 2020).
- 2. No late fees will be charged until after April 01, 2021.**
- 3. License renewal fees are due at time of renewal.** This extension does not change the fee for renewal nor prorate any fees paid for renewal of a license, nor change the future renewal date of a license.
- 4. License fees are not refundable.**

IMPORTANT: License holders do not have to wait to renew licenses. If a license holder chooses to renew a license when it originally expires or at any time between original license expiration and March 31, 2021, the license holder may renew a license online at MyTax.Illinois.gov. License holders are encouraged to renew licenses prior to March 31, 2021 in order to avoid administrative delays at the end of the first quarter of 2021. Do not wait until the day of license expiration to renew your license. If licenses expire due to administrative delays, there will be no further extensions granted.

IMPORTANT: License holders may not receive an additional notice to renew licenses. Even if license holders do not receive an additional renewal notice, all license holders are required to renew licenses and pay license fees no later than March 31, 2021.

NOTE 1: The dates cited above are subject to be extended if Executive Orders extend the prohibition on indoor dining and drinking.

NOTE 2: **Licensees Conducting Retail Sales** – For all licensees that sell at retail, provide proof of a local liquor license (in addition to other required documents). Proof of the local license can be:

- A copy of the current unexpired license OR
- A copy of the written authorization of the local liquor control commission to extend the local license expiration date.

Q. Do I still need to pay the debt I owe to a distributor?

A. Yes. State law does not forgive the debt owed by a retailer to a distributor. Please see the following bulletin related to retailer payments to wine and spirits distributors:

<https://www2.illinois.gov/ilcc/SiteAssets/Pages/Home/COVID19.delinquency.resumption.reminder.3.pdf>

Q. If I owe a debt to a distributor, does the distributor have to extend credit for a wine and spirits order?

A. No. A distributor may choose to sell wine and spirits to a retailer “cash on delivery” (cash or cash equivalent like a check). If a distributor chooses to extend credit to a retailer, it shall be required to extend credit to all similarly situated retailers. Distributor criteria for extending credit to a delinquent retailer shall not be based on the volume of business transactions between distributor and retailer.

Q. If I have an active state liquor license but my business is closed or I conduct sales and delivery for off-premises consumption only, do I still need to maintain liquor liability/dramshop coverage?

A. The State Commission will not issue a citation for a lapse in liquor liability/dramshop coverage for **closed businesses or businesses conducting off-premises sales and delivery only**. Businesses SHALL NOT sell alcoholic liquor for consumption in any indoor or outdoor area of the premises without maintaining active liquor liability/dramshop coverage. Businesses that re-open for indoor/outdoor alcohol beverage consumption in Phase 4 of the Restore Illinois Plan without active liquor liability/dramshop coverage will be prosecuted.

IMPORTANT: License holders must check with the local commissioner and local ordinances to verify that local laws do not require continued insurance coverage for closed businesses or businesses conducting sales and delivery for off-premises consumption only.